

Notice of Allowability

Application No.

09/932,203

Examiner

Matthew O Savage

Applicant(s)

TREMBLAY ET AL.

Art Unit

1723

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed on 8-4-03.
2. ☒ The allowed claim(s) is/are 7-10 and 15 renumbered 1-5, respectively.
3. ☒ The drawings filed on 11 September 2002 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.
5. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
 - (a) ☐ The translation of the foreign language provisional application has been received.
6. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

7. ☒ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
8. ☐ CORRECTED DRAWINGS must be submitted.
 - (a) ☐ including changes required by the Notice of Draftperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No. _____.
 - (b) ☐ including changes required by the proposed drawing correction filed _____, which has been approved by the Examiner.
 - (c) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet.

9. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- 1 ☐ Notice of References Cited (PTO-892)
- 2 ☐ Notice of Informal Patent Application (PTO-152)
- 3 ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 4 ☒ Interview Summary (PTO-413), Paper No. _____.
- 5 ☐ Information Disclosure Statements (PTO-1449), Paper No. _____.
- 6 ☒ Examiner's Amendment/Comment
- 7 ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
- 8 ☒ Examiner's Statement of Reasons for Allowance
- 9 ☐ Other

Matthew O Savage
Primary Examiner
Art Unit: 1723

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Timothy French on 10-31-03.

7. (amended) A tubular filter product comprising [an integral] a tubular body consisting of melt blown fibers formed by deposit of a plurality of the melt blown fibers upon a rotating support,

said [integral] tubular body defining an outer surface and an inner surface,
and

said [integral] tubular body further defining a pattern of cavities, wherein each of said cavities has a depth that is aligned perpendicularly to a longitudinal axis of said tubular body and a width perpendicular to said depth, wherein the width of said cavities is substantially larger than interstitial spaces between the fibers, and wherein the depth of each said cavity is less than a distance between the outer surface and the inner surface of said tubular body such that each said cavity does not interconnect the outer surface with the inner surface.

15. (new) The tubular filter product of claim 7, wherein said cavities are cylindrical and having a diameter of approximately .061 inch and the depth of said cavities is approximately 0.5 inch.

On line 11 of page 8 of the specification, -- As shown in FIGS. 4-6, each of the cavities has a depth aligned perpendicularly to a longitudinal axis of the tubular body and a width or diameter perpendicular to the depth, and the depth of each cavity is less than an distance between the outer surface and the inner surface of the tubular body such that each cavity does not interconnect the outer surface with the inner surface. The width or diameter of each cavity is substantially larger than interstitial spaces between the fibers. --has been inserted before "Each".

The following is an examiner's statement of reasons for allowance: Pulek et al, Storey et al taken in view of Pall '294, and Vogt et al are considered the closest prior art, however, Pulek et al and Storey et al in view of Pall '294 fail to teach or suggest a tubular body consisting of melt blown fibers as recited in instant claim 7, and Vogt et al fails to teach or suggest cavities having a width that is substantially larger than the interstitial spaces between the fibers as recited in claim 7.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:
It does not identify the citizenship of each inventor.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew O Savage whose telephone number is 703-308-3854. The examiner can normally be reached on Monday-Friday, 7:00am-3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wanda W. Walker can be reached on 703-308-0457. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

Matthew O. Savage
Matthew O Savage
Primary Examiner
Art Unit 1723

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Tuesday, October 28, 2003